

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action provisionally rejects claims 9 and 10 on the following bases: 35 U.S.C. 101, as claiming the same invention as that of claims 51 and 54 of copending Application Serial No. 10/219,812 (the '812 application); the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 51 and 54 of the '812 application; and 35 U.S.C. 102(f) and (g) as raising a question of priority.

Applicant has rejected claims 9 and 10, and reconsideration and withdrawal of each of these rejections is therefore moot. Fuji Photo Film Co., Ltd. hereby states through its counsel that the named inventorship in each of the present application and the '812 application is believed to be accurate. The invention of claims 9 and 10 of the present application and claims 51 and 54 of the '812 application is attributable solely to Shin KANKE, the sole named inventor in the present application.

Applicant notes that the naming of two additional inventors in the '812 application is not inconsistent with this fact. The '812 application was filed with 68 claims. Each of the two individuals named as an inventor in the '812 application but not in the present application is an inventor with respect to at least one of the other 66 claims in the '812 application.

The Official Action rejects claims 1, 2, 4, 5, 9, and 10 under 35 U.S.C. 102(e) as being anticipated by the '812 application. The Official Action further states, however, that each of claims 3 and 6-8 is allowable but for its dependence from a rejected base claim.

Applicant has amended claim 1 to incorporate the features of allowable claim 3, and cancelled claim 3. Applicant has also amended allowable claim 6 into independent form by incorporating the features of claims 1 and 5, and cancelled claim 5. This should place all of the original claims in the application into condition for immediate allowance.

In addition to the amendments described above, applicant has added new claims 12-16. These claims recite features of the present invention that are not disclosed or suggested by the '812 application or any other known prior art. The new claims include features illustrated in Figures 8 and 9, and described beginning on page 37 of the specification.

In light of the amendments made above and the arguments offered in support thereof, applicant believes that the present application is in condition for allowance, and an early indication of the same is respectfully requested.

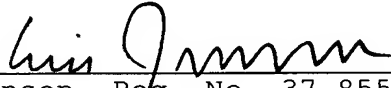
If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

Please charge the fee of \$200 for the extra independent claim added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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